2.2 Under article 235 of the Constitution of India, the administrative contral over the member of subordinate judiciary in the States vests with the concerned High Court and the State Government. Thus as regards the judge strength in the District and subordinate courts, the primary responsibility for taking necessary action for increasing the judge strength vests with the respective State Governments. Filling up of the vacant posts of judges/magistrates at the District and Subordinate Courts is the concern of the respective High Courts and the State Governments.

2.3 The Central Government has been periodically urging all the State Governments/Union Territories and the High Courts to accord utmost priority to filling up of vacant posts of judges and magistrates. The Minister of Law and Justice has written to the Chief Justices of the all High Courts and Chief Ministers of all States on 26-4-2002 for ensuring compliance of the aforesaid order of the Supreme Court dated 21st March, 2002.

Superannuation age of judges

†2952. SHRI BANWARI LAL KANCHHAL: Will the Ministry of LAW AND JUSTICE be pleased to state:

(a) whether the superannuation age of the officers of HJS cadre service deployed on the deputation in the tribunals of defferent States is 60 years;

(b) whether the superannuation age of the judges of High Court and Supreme Court is 60 years and 65 years respectively, if so, reasons for different superannuation ages despite similar cadre service;

(c) the details of superannuation ages of officers of HJS cadre service deployed in defferent tribunals in Rajasthan, Uttarakhand and Uttar Pradesh; and

(d) whether Government would consider to make superannuation age as 61 years for the officers of HJS cadre deployed on deputation in the tribunals of all States?

MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): (a) to (d) Under article 235 of the Consititution of India, the administrative control over the members of subordinate judiciary in the States vests with the

†Original notice of the question was received in Hindi.

concerned High Court. Also, in exercise of powers conferred under proviso to article 309 read with article 233 and 234 of the Consititution, the State Governments frame rules and regulations for their judicial officers, in consultation with their respective High Courts. The members of the State judicial Service are employees of State Government and are governed by these rules and regulations. Central Government is not concerned with any of the aforesaid functions and as such, has no role in this regard.

Superannuation age of Judges of the Supreme Court is governed by the provisions of article 124 of the Constitution of India. Clause (2) of article 124 provides that every judge of the Supreme Court shall hold office until he attains the age of sixty-five years. Similarly, Clause (1) of article 217 provides that every judge of a High Court shall hold office until he attains the age of sixty-two years.

Pending cases in courts

†2953. SHRIMATI SUSHMA SWARAJ: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that 2 crore 85 lac cases are pending in various High Courts and subordinate courts in the country;

(b) if so, the efforts being made to dispose of these cases; and

(c) whether out- of-court settlement of cases is also being considered?

THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): (a) to (c) As per available information 39.9 lakh cases in the High Courts and 2.63 crore cases in the Subordinate courts were pending as on 31-12-2006.

With a view to reducing pendency in the courts; Government has taken steps to increase the judge strength from time to time and has extended the terms of Central assistance to Fast Track Courts for a period of five years beyond 31-3-2005 *i.e.* upto 31-3-2010. Other measures like grouping of cases involving common question of law and application of Information and Communication Technology in the courts have also been taken.

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